

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE ROTAVIRUS VACCINES
ANTITRUST LITIGATION

No. 2:18-cv-01734-JCJ (consolidated)

ORAL ARGUMENT REQUESTED

**DEFENDANT'S MOTION TO COMPEL INDIVIDUAL ARBITRATION
AND STAY PROCEEDINGS**

Pursuant to Federal Rule of Civil Procedure 12(b)(6), defendant Merck Sharp & Dohme Corp. ("Merck") moves the Court to compel each Plaintiff to arbitrate its claims on an individual basis and to stay proceedings in this Court pending arbitration. In support of its Motion, Merck relies on the accompanying Memorandum of Law in Support of its Motion and Declaration of John Comonitski, with its accompanying exhibits, and any related briefing or oral argument, which it incorporates herein by reference.

WHEREFORE, Defendant respectfully requests that the Court enter the proposed Order granting Defendant's Motion to Compel Individual Arbitration and Stay Proceedings.

Dated: July 30, 2018

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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE ROTAVIRUS VACCINES
ANTITRUST LITIGATION

CIVIL ACTION

No. 2:18-cv-01734-JCJ (consolidated)

[PROPOSED] ORDER

AND NOW, this _____ day of _____, _____ upon consideration of Defendant's Motion to Compel Individual Arbitration and Stay Proceedings, and any responses thereto, it is hereby **ORDERED** that Defendant's Motion to Compel Individual Arbitration is **GRANTED** and the above-captioned case is **STAYED** pending arbitration.

BY THE COURT:

J. CURTIS JOYNER, J.